

THE HONORABLE JOHN C. COUGHENOUR

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON**

DAVID SARRUF,

Plaintiff,

v.

LILLY LONG TERM DISABILITY PLAN &  
LILLY LIFE INSURANCE PLAN,

Defendant.

Case No. 2:24-cv-00461-JCC

**STIPULATED MOTION FOR  
LEAVE TO FILE THE  
ADMINISTRATIVE RECORD  
UNDER SEAL AND ~~PROPOSED~~  
ORDER**

**I. Relied Requested.**

Pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g), Plaintiff David Sarruf (“Plaintiff”) and Defendants The Eli Lilly and Company Long Term Disability Plan (the “LTD Plan”)<sup>1</sup> and The Eli Lilly and Company Life Insurance and Death Benefit Plan (the “Life Insurance Plan”)<sup>2</sup> (together, “Defendants”) (Plaintiff and Defendants together, the “Parties”), by and through their attorneys, hereby respectfully move the Court for an order permitting Defendants to file the Administrative Record under seal, without redaction. The Parties seek leave to file the Administrative Record under seal in its entirety due to the extensive

<sup>1</sup> The LTD Plan is incorrectly named in the Complaint as the Lilly Long Term Disability Plan.

<sup>2</sup> The Life Insurance Plan is incorrectly named in the Complaint as the Lilly Life Insurance Plan.

1 presence of Plaintiff's sensitive personal medical information throughout the Administrative  
 2 Record. The Parties agree that redaction is not a practical or effective alternative due to the  
 3 nature and volume of the confidential material.

## 4 **II. Relevant Facts and Legal Authority.**

5 This action arises under the Employee Retirement Income Security Act of 1974  
 6 ("ERISA"), 29 U.S.C. § 1001 *et seq.*, and involves a claim for long-term disability benefits. The  
 7 Administrative Record pertaining to Plaintiff's claim is over 3,000 pages long and contains  
 8 mainly Plaintiff's medical records and documents discussing Plaintiff's medical information.  
 9

10 Although there is a general presumption of public access to court records, courts in this  
 11 District have recognized that the need to protect medical privacy constitutes a "compelling  
 12 reason" sufficient to justify sealing records. *See, e.g., Karpenski v. Am. Gen. Life Cos., LLC*,  
 13 No. 2:12-CV-01569-RSM, 2013 WL 5588312, at \*1 (W.D. Wash. Oct. 9, 2013) (granting  
 14 motion to seal ERISA administrative record due to medical privacy concerns); *S.L. by & through*  
 15 *J.L. v. Cross*, 675 F. Supp. 3d 1138, 1146–47 (W.D. Wash. 2023) (same).  
 16

17 As certified below, the Parties have conferred and agree that redaction is not a viable  
 18 alternative due to the density and volume of Plaintiff's sensitive personal medical information  
 19 throughout the Administrative Record. Therefore, sealing the Administrative Record is the least  
 20 restrictive means of protecting Plaintiff's privacy while complying with the Court's filing  
 21 procedures.<sup>3</sup>  
 22  
 23

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24 <sup>3</sup> The Administrative Record consists of the claim and appeal file as maintained by the LTD Plan in the  
 25 ordinary course of business. A small number of documents in the Administrative Record appear with  
 26 redactions because they were produced in that form to Plaintiff's counsel in the course of the pre-  
 27 litigation administrative review process. (*See, e.g., LILLY* 3109, 3111, 3112, 3114). These minor  
 redactions—such as Plaintiff's address, telephone number, and e-mail address—do not affect the  
 substantive content of the Administrative Record. Accordingly, the Parties respectfully request that the  
 Court accept the Administrative Record as filed, with the minor redactions, for *in camera* review.

### III. Certification Pursuant to LCR 5(g)(3)(A).

The undersigned counsel for the Parties, Kara P. Wheatley and Glenn R. Kantor, conferred via e-mail on April 8 and April 10, 2025, regarding the need to file the Administrative Record under seal. The Parties agree that sealing is appropriate and necessary to protect Plaintiff's confidential medical information contained therein.

### IV. Conclusion.

For the foregoing reasons, the Parties jointly ask the Court to grant this stipulated motion to file the Administrative Record under seal.

Date: April 11, 2025

Respectfully submitted,

DAVID SARRUF

By: Glenn R. Kantor (w/ permission)

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*Attorneys for Defendants*

**[PROPOSED] ORDER**

THIS MATTER having come before the Court upon the Parties' STIPULATED MOTION FOR LEAVE TO FILE THE ADMINISTRATIVE RECORD UNDER SEAL, and the Court having considered the motion and all relevant materials, and finding good cause shown, hereby ODERS:

1. The Parties' Stipulated Motion for Leave to File the Administrative Record Under Seal is GRANTED.

2. Defendants are authorized to file the Administrative Record under seal in its entirety, without redaction.

3. The Administrative Record shall remain under seal unless otherwise ordered by the Court.

**IT IS SO ORDERED** this 11th day of April 2025.



THE HONORABLE JOHN C. COUGHENOUR  
UNITED STATES DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11th day of April, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record who receive CM/ECF notifications.

Dated: April 11, 2025

By: /s/ Douglas F. Stewart  
Douglas F. Stewart, WSBA No. 34068